

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-60794-CIV-DAMIAN/Augustin-Birch

GLENN EDWARD MCKENNIE, JR.,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 5]
AND DISMISSING COMPLAINT [ECF NO. 1]**

THIS CAUSE came before the Court on Magistrate Judge Panayotta Augustin-Birch's Report and Recommendation, entered on June 5, 2025 [ECF No. 5 (the "Report")], on a *sua sponte* review of Plaintiff Glenn Edward McKennie, Jr.'s ("Plaintiff") Complaint, filed on April 22, 2025 [ECF No. 1 (the "Complaint")]. On April 24, 2025, Plaintiff also filed a Motion for Leave to Proceed *In Forma Pauperis* [ECF No. 3 (the "Motion")].

THE COURT has reviewed the Report, the Complaint, the Motion, and the pertinent portions of the record, and is otherwise fully advised.

After carefully considering the Complaint, Judge Augustin-Birch issued the Report, recommending that the Complaint be dismissed as frivolous. The Report summarizes the relevant background and, therefore, the Court will not set out the background in detail here.

In short, the *pro se* Plaintiff initiated this lawsuit against the United States of America, alleging that the federal government has misidentified Plaintiff, which has resulted in his false imprisonment and a violation of Plaintiff's rights. *See generally* Compl. He also attached an Exhibit to his Complaint titled Illegal Activities, which states that Plaintiff has

an EIN, and then makes incomprehensible statements about segregation and restraint[sic] orders and Plaintiff's life being in danger. *See* ECF No. 1-2.

Judge Augustin-Birch found that dismissal is appropriate because the Complaint is frivolous. *See generally* Report. Plaintiff did not file objections to the Report, and the time for doing so has expired. *See generally* Docket.

When a magistrate judge's "disposition" has properly been objected to, district courts must review the disposition *de novo*. Fed. R. Civ. P. 72(b)(3). When no party has timely objected, however, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72 advisory committee's notes (citation omitted). Although Rule 72 itself is silent on the standard of review, the Supreme Court has acknowledged Congress's intent was to only require a *de novo* review where objections have been properly filed, not when neither party objects. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate [judge]'s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.").

The undersigned has reviewed the Report, the record, and the applicable law to assure herself that no clear error appears on the face of the record. In light of that review, the undersigned agrees with the analysis and well-reasoned recommendations stated in Judge Augustin-Birch's Report and agrees with Judge Augustin-Birch's conclusions. Plaintiff's allegations are incomprehensible, even when construed liberally in light of his *pro se* status, and his Complaint is so patently lacking in merit that it is frivolous. *See Guthrie v. U.S.*, 618 F. App'x 612, 617 (11th Cir. 2015). It is not clear from Plaintiff's allegations that he will be

precluded by a statute of limitations from attempting to refile his claims should he wish to do so. Accordingly, it is


ORDERED AND ADJUDGED that the Report [ECF No. 5] is **AFFIRMED AND ADOPTED** as follows:

This case is **DISMISSED WITHOUT PREJUDICE**, meaning this is not a determination of the merits of the Plaintiff's claims but a determination that he has not stated a claim for relief in the Complaint.

The Clerk of Court shall **CLOSE** the case and shall mail a copy of this Order to the *pro se* Plaintiff. Any pending motions are **DENIED AS MOOT**.

Should Plaintiff intend to file an Amended Complaint, he must do so by **July 22, 2025**. After that date, he must initiate a new case to file a Complaint.

DONE AND ORDERED in Chambers in the Southern District of Florida this 1st day of July, 2025.


MELISSA DAMIAN
UNITED STATES DISTRICT JUDGE

cc: Magistrate Judge Panoyatta Augustin-Birch

Glenn Edward McKennie, Jr., *Pro Se*
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